

Docket No. 020131

Serial No. 10/632,421

REMARKS/ARGUMENTS

The Office action dated May 23, 2005 has been carefully considered. Claims 1-47 are active in this application. Further examination and reconsideration of the rejection of claims 1-47 is respectfully requested.

The rejection of claims 1, 6-8, 18, 21, 24, 26-30, 38 and 39 under 35 U.S.C. § 102(b) as anticipated by Noreen et al. is respectfully traversed. Applicant submits that the rejected claim language is further patentably distinguished from that disclosed in Noreen et al by the present amendment to independent claims 1, 21, 29 and 38. These claims recite a rake receiver and determining velocity "from GPS data." In addition, claims 1 and 21, include determining adjustments to the operation of the communications receiver using multipath signals.

The rake receiver further patentably distinguishes the independent claims over Noreen which concerns a time division multiple access system. The recited language pertains to a CDMA system and its advantages in obtaining velocity data in a multipath signal environment. Multipath signal use is not a feature of TDMA and as such, the rake receiver has no place with Noreen.

Dependent claims likewise include the noted rake receiver and GPS data limitations. They are likewise submitted as being patentably distinguishable over Noreen.

The rejection of claims 1-5, 9-11, 15-17, 20-23, 29, 31, 35-38, 40 and 44-47 under 35 U.S.C. 102(e) as being anticipated by Jin is respectfully traversed. In view of the amendments discussed above to the independent claims, it is submitted that these claims have now been further patentably distinguished from Jin. Although Jin discloses a CDMA system, it does not disclose using the GPS in connection with velocity determinations. It should be noted that GPS and CDMA are separate systems and that generally tuning to one necessarily involves tuning away from the other.

The rejection of claims 19 and 25 under 35 U.S.C. 103(a) as being unpatentable over Noreen is respectfully traversed. It is submitted that the amendment to claims 1 and 21 which

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are included as limitations to claims 19 and 25, respectively, now patentably distinguish claims 19 and 25 from Noreen. Further, the Official Notice that "It is well known in the art to determine the velocity of a communication device by receiving at least two location measurements of the device, where the measurements are made at different, known, times and determining the velocity based on the at least two location measurements and their respective measurement times," is respectfully traversed. Applicant respectfully requests evidence backing such an assertion.

The rejection of claims 12-14, 32-34 and 41-43 under 35 U.S.C. 103(a) as being unpatentable over Jin in view of Millward, et al. is respectfully traversed. In view of the foregoing amendments to the independent claims, it is submitted that no combination of Jin with Millward does or will teach, suggest or make obvious claims 12-14, 32-34, and 41-43. There is no disclosure or discussion of GPS in Millward and as was pointed out above, none exists in Jin. Consequently, no combination of Millward with Jin would yield the rejected claims.

In view of the amendment and remarks, this application is submitted as being in a condition for allowance. Favorable action is respectfully requested. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case

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Respectfully submitted,

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